

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hans-Michael EGGENWEILER

Examiner: Cecilia M. Jaisle

Serial No.: 10/518,503

Group Art Unit: 1624

Filed: December 20, 2004

For: THIAZOLE DERIVATIVES AS PHOSPHODIESTERASE IV INHIBITORS

**RESPONSE TO NOTICE OF NON-COMPLIANCE AND REPLACEMENT
SECTION (iii) FOR APPEAL BRIEF**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliance dated August 25, 2008, and further to the Appeal Brief filed on August 11, 2008, please consider the following.

(iii) STATUS OF CLAIMS

Pending: Claims 1-19, 21, 24-26 and 30.

Rejected: Claims 21, 24-26 and 30.

Canceled: Claims 20, 22, 23, 27-29.

Allowable: Claims 1-19.

On Appeal: Claims 21, 24-26 and 30.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

Harry B. Shubin (Reg. No. 32,004)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2957

Date: September 5, 2008